

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

APR 2 2022

Nathan Ochsner, Clerk of Court

United States of America

v.

Leonardo BARROSO

Case No. C-22-00391M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 29, 2021 in the county of Nueces County in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C 922(a)(6)

False Statement in Purchase of a Firearm

Signature of Complainant
 Printed Name of Complainant
 Title of Complainant

This criminal complaint is based on these facts:

(See Attachment A - Affidavit)

☒ Continued on the attached sheet.

Complainant's signature

Oscar Guardado, ATF Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to,
 signature attested telephonically per Fed.R.Crim.P.4.1,
 and probable cause found on

Date: 04/02/2022

Judge's signature

City and state: Corpus Christi, Texas

Mitchel Neurock, United States Magistrate Judge

Printed name and title

ATTACHMENT A

I, Oscar Guardado, being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department, assigned to the Corpus Christi Field Office and have been so employed since October 28, 2019. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26, United States Code. Prior to the employment with ATF I was employed with the Customs and Border Protection Office of the Border Patrol. I was employed in this capacity April 10, 2008 through October 27, 2019. During this tenure I was vested with the authority to enforce Federal Immigration Law in the southern border of Texas. As a result of my training, my experience relating to these statutes, and the experience of other senior ATF Special Agents, I know that it is a violation of:

Title 18 U.S.C. 922(a)(6): for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provision of this chapter.

Further, the Affiant states as follows:

1. This affidavit is in support of a criminal complaint charging Leonardo Barroso, (hereinafter referred to as "BARROSO"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates there is probable cause to believe BARROSO has violated Title 18 U.S.C. Section 922(a)(6).
2. On March 30, 2022, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) obtained a federal search warrant signed by United States Magistrate Judge Julie K. Hampton for the residence located at [REDACTED] Brownsville, Texas. On March 31, 2022, ATF with the assistance of Brownsville Police Department (PPD) executed the federal search warrant. During the search of the property multiple documents, electronic devices, and other items were recovered and seized.
3. During the search of the residence Agents recovered, among other items, one Sales Receipt dated December 29, 2021, for a firearm, to wit: a FM Products, model FM9, 9mm caliber pistol, serial number 9-24070, which was purchased at EKB Custom Designs Inc., located at 6245 old Brownsville Rd., Unit 4, Corpus Christi, Texas. Additionally, the Sales Receipt listed BARROSO along with BARROSO's residential address as the "BILL TO" and "SHIP TO" party.
4. During the execution of the search warrant, BARROSO consented to answer questions following his Miranda Rights Advisement without the presence of an attorney. During the questioning, BARROSO admitted to having purchased multiple firearms in the recent months with the intent of transferring the firearms to another individual. BARROSO further admitted to receiving cash payments to purchase those firearms on every occasion and that he knew he was lying on the questionnaire. BARROSO stated that he had purchased approximately ten to eleven firearms during December 2021 and January 2022. During the interview, your Affiant showed BARROSO the receipt for a FM Products, model FM9, 9mm caliber pistol, serial

number 9-24070 purchased from EKB Custom Designs Inc. on December 29, 2021, along with several other receipts. BARROSO told your Affiant that he purchased those firearms, with the intent to transfer them to another individual and that he did in fact hand those firearms to that individual. BARROSO further admitted that he knew what he was doing was wrong.

5. On December 29, 2021, BARROSO in connection with his acquisition of that firearm, from EKB Custom Designs Inc., Corpus Christi, Texas, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did knowingly make a false and fictitious written statement to EKB Custom Designs Inc, which statement was intended and likely to deceive EKB Custom Designs Inc, as to a fact material to the lawfulness of such acquisition of the said firearm to the defendant under Chapter 44 of Title 18, in that BARROSO did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, and provided the response to question 21(a) by checking the box indicating "Yes" to the following question:

21(a) "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.,**"

when in fact BARROSO knew, the answer to the question posed in question 21(a) was "NO" because, as evidenced by his post-Miranda statement, he was purchasing the firearm with the intent of transferring the firearm to another individual.


6. Based on the above information, your Affiant believes BARROSO purchased a firearm in violation of Title 18, United States Code Section 922 (a)(6), to wit, a FM Products, model FM9, 9mm caliber pistol, serial number 9-24070.

AUSA Christopher Marin approved this criminal complaint for filing.

Further, the Affiant sayeth not.


Oscar Guardado, ATF Special Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this 2nd day of April 2022.


Mitchel Neurock
UNITED STATES MAGISTRATE JUDGE